

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 6, 2006

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m. Roll call showed all members present except Senators Cameron, Goedde, and Werk, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Anna Ward, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2006, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 120

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO JOINT RULE 18 OF THE JOINT RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Senate and the House of Representatives deem it necessary and desirable to amend Joint Rule 18 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Joint Rule 18 of the Joint Rules of the Senate and the House of Representatives be amended to read as follows:

JOINT RULE 18

Statement of Purpose and Fiscal Notes.--No bill shall be introduced in either house unless it shall have attached thereto a concise statement of purpose and fiscal note. The contact person for the statement of purpose and fiscal note shall be identified on the document. The statement of purpose and fiscal note applies only to a bill as introduced, and does not necessarily reflect any amendment to the bill that may be adopted. A statement of purpose or fiscal note is not a statement of legislative intent.

No bill making an appropriation, increasing or decreasing existing appropriations, or requiring a future appropriation, or increasing or decreasing revenues of the state or any unit of local government, or requiring a significant expenditure of funds by the state or a unit of local government, shall be introduced unless it shall have attached thereto a fiscal note. This note shall contain an estimate of the amount of such appropriation, expenditure, or change under the bill. The fiscal note shall identify a full fiscal year's impact of the legislation. Statements of purpose and fiscal notes may be combined in the same statement.

All statements of purpose and fiscal notes shall be reviewed for compliance with this rule by the committee to which the bill is assigned. A member may challenge the sufficiency of a statement of purpose or fiscal note at any time prior to passage, except upon introduction. Nothing in this rule shall prohibit a statement of purpose or fiscal note from being corrected or modified.

SCR 120 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 6, 2006

The JUDICIARY AND RULES Committee reports that **S 1345, S 1346, S 1347, S 1348, S 1349, S 1350, and S 1351** been correctly printed.

DARRINGTON, Chairman

S 1345 was referred to the Commerce and Human Resources Committee.

S 1346, S 1347, S 1348, and S 1349 were referred to the Transportation Committee.

S 1350 and S 1351 were referred to the State Affairs Committee.

Senator Werk was recorded present at this order of business.

February 3, 2006

The JUDICIARY AND RULES Committee reports that **SJM 114** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **SJM 114**, and ordered it transmitted to the House for the signature of the Speaker.

February 3, 2006

The RESOURCES AND ENVIRONMENT Committee reports out **S 1258** with the recommendation that it do pass.

SCHROEDER, Chairman

S 1258 was filed for second reading.

February 3, 2006

The JUDICIARY AND RULES Committee reports out **S 1304** and **S 1301** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1304 and **S 1301** were filed for second reading.

February 6, 2006

The STATE AFFAIRS Committee reports out **S 1246** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BURTENSHAW, Chairman

There being no objection, **S 1246** was referred to the Fourteenth Order of Business, General Calendar.

February 6, 2006

The STATE AFFAIRS Committee reports out **S 1247** with the recommendation that it do pass.

BURTENSHAW, Chairman

S 1247 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Jeff Cilek was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Coiner, seconded by Senator Malepeai, the Gubernatorial appointment of Jeff Cilek as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Cameron was recorded present at this order of business.

S 1352

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-707A, IDAHO CODE, TO INCREASE THE MAXIMUM HANDLING CHARGES IRRIGATION DISTRICTS ARE AUTHORIZED TO CHARGE RELATING TO DRAFTS OR CHECKS THAT ARE REFUSED BY BANKS OR OTHER ENTITIES ON WHICH THE DRAFTS OR CHECKS ARE DRAWN.

S 1353

BY RESOURCES AND ENVIRONMENT COMMITTEE AN ACT

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE FOR THE EXCLUSIVE AUTHORITY OF THE DEPARTMENT OF WATER RESOURCES RELATING TO THE APPROPRIATION OF PUBLIC SURFACE AND GROUND WATERS OF THE STATE, TO PROHIBIT OTHER INSTRUMENTALITIES OR POLITICAL SUBDIVISIONS OF THE STATE FROM TAKING ANY ACTION TO PROHIBIT, RESTRICT OR REGULATE THE APPROPRIATION OF PUBLIC SURFACE OR GROUND WATERS OF THE STATE AND TO PROVIDE THAT ANY SUCH PROHIBITION, RESTRICTION OR REGULATION SHALL BE NULL AND VOID.

S 1354

BY JUDICIARY AND RULES COMMITTEE AN ACT

RELATING TO WARRANTS; AMENDING SECTION 19-4408, IDAHO CODE, TO REMOVE LANGUAGE REQUIRING SEARCH WARRANTS TO BE SERVED WITH THE OFFICER PRESENT AND TO ALLOW FOR SERVICE OF WARRANTS BY SPECIFIED MEANS; AND DECLARING AN EMERGENCY.

S 1355

BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE STATE HISTORICAL SOCIETY; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4101, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4102, IDAHO CODE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE AGENCIES AND OTHER ENTITIES OF STATE GOVERNMENT PREPARING TO REMOVE OR PERFORM CONSTRUCTION WORK ON STRUCTURES OWNED BY THE STATE; AND AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4103, IDAHO CODE, TO PROVIDE FOR OPTIONAL PROJECT REVIEW BY THE STATE HISTORIC PRESERVATION OFFICE, TO PROVIDE CERTAIN REQUIREMENTS FOR STATE AGENCIES OR OTHER ENTITIES OF STATE GOVERNMENT PROPOSING

A PROJECT THAT INVOLVES STATE-OWNED STRUCTURES, TO PROVIDE FOR RESPONSE TO PROJECT PROPOSALS BY THE STATE HISTORIC PRESERVATION OFFICE, TO PROVIDE THAT THE STATE AGENCY OR OTHER ENTITY OF STATE GOVERNMENT PROPOSING THE PROJECT SHALL HAVE THE DISCRETION TO ACT UPON THE RECOMMENDATIONS OF THE STATE HISTORIC PRESERVATION OFFICE AND TO PROVIDE FOR THE USE OF RECOMMENDATIONS OF THE STATE HISTORIC PRESERVATION OFFICE.

S 1352, S 1353, S 1354, and S 1355 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Stegner, granted by unanimous consent, **S 1314** was referred to the Fourteenth Order of Business, General Calendar.

S 1315, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 405 and H 406, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

S 1317, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1302 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Goedde. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1302** passed, title was approved, and the bill ordered transmitted to the House.

Senator Goedde was recorded present at this order of business.

S 1303 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1303** passed, title was approved, and the bill ordered transmitted to the House.

S 1311 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Keough and Bunderson arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Little. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1311** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10:15 a.m., Tuesday, February 7, 2006.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary